

67,108-297 PUS1
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Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 30, 31 and 32 are amended above. Claims 30-38 are currently pending. Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that the *Thomas* patent that was applied under 35 U.S.C. §102 and §103 in the most recent Office Action does not anticipate nor render obvious any of Applicant's claims. There is no anticipation because, as the Examiner acknowledges, the *Thomas* reference does not utilize a location of a mobile for purposes of adjusting a beam width. It cannot be considered obvious to add such a feature to the *Thomas* reference. Where a proposed modification to a reference does not provide any benefit, there is no motivation for the modification and no *prima facie* case of obviousness. In this instance, there is no benefit to adding mobile location information to the *Thomas* arrangement for purposes of establishing a beam width.

The *Thomas* reference takes a detailed approach at establishing a beam width. The determination for doing so occurs at a mobile station and is based upon what the mobile station detects from one or more base stations. The *Thomas* reference discloses a complete technique for deciding the optimum beam width to be used according to the teachings of that reference. There would be no benefit to adding mobile location information to the *Thomas* arrangement because an optimum beam width determination is already made in the *Thomas* reference. Adding mobile location information for determining a beam width would be redundant, at best. Further, because the beam width determination is made at the mobile station in the *Thomas* reference, the mobile's location information would not provide anything of benefit or use to the

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mobile station. The mobile station in the *Thomas* reference is relying purely upon what the mobile detects from a base station for purposes of determining the optimum beam width.

Because there is no use for a mobile location information in the *Thomas* arrangement, there is no motivation for modifying the *Thomas* arrangement to include mobile location information for purposes of establishing a beam width. Therefore, there is no *prima facie* case of obviousness.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 09/638,025 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on November 2, 2006.


Lindsey Fortney

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